

REMARKS

Claims 1-129 are pending in this application. By this amendment, claim 38 is amended. Support for the amendments can be found at least in original claim 1. No new matter is introduced. Reconsideration and prompt allowance of the claims is respectfully requested.

I. Priority

The present application is a continuation of application Serial Number 08/912,934, filed August 15, 1997, which is a continuation of application Serial Number 08/160,282, now U.S. Patent Number 5,659,350 (the "parent application"), filed December 2, 1993. The parent application incorporates by reference application Serial Number 08/160,193, now U.S. Patent Number 5,734,853 (the "related application"), filed December 2, 1993 (see page 40, lines 15-22 of the parent application). In addition, the present application incorporates by reference the related application on page 1, lines 20-21. Since the related application provides support for pages 20-28 and 52-72, and figures 27-32 of the present application, all claims should be given priority date of December 2, 1993. In other words, the present application complies with 35 U.S.C. 120 and 37 CFR 1.78, and priority claim of December 2, 1993 is proper. The Applicants respectfully request reconsideration of the priority of all pending claims.

II. 35 U.S.C. § 103 Rejections

Claims 1, 3-6, 10-18, 20, 27-33, 38, 43-45, 51-56, 60-67, 66-67, 69-80, 83-85, 89-90, 93-100, 102-115, 119-120, 122, and 124-127 were rejected under 35 U.S.C. §103 (a) as being anticipated by U.S. Patent No. 5,477,262 to Banker et al. (hereinafter Banker) in view of Young. The Applicants respectfully traverse.

Banker is directed to a method and apparatus for providing an on-screen user-friendly interface for a subscription television terminal. Young is directed to a user interface for a television schedule system.

With respect to independent claim 1, neither Banker nor Young, individually or in combination, discloses or suggests "generating menu information related to the programming packaging; providing the menu information to terminals using the television delivery system" as recited in claim 1. The Examiner indicated on page 3, section 4 of the Office Action that Banker teaches "generating and providing menu information (col. 13, II. 35-61; fig. 7-20), by means of menu screens, on-screen displays (OSDs), and messages." However, Banker's system does not

generate menu information related to the programming packaging. Since neither Banker nor Young discloses or teaches all elements of claim 1, independent claim 1 is allowable.

Claims 3-6, 10-18, 20, and 27-33 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 1, 3-6, 10-18, 20, and 27-33 under 35 U.S.C. §103 (a).

With respect to independent claim 62, neither Banker nor Young, individually or in combination, discloses or suggests “a television delivery system that packages programming, wherein the programming package includes at least one program, generates menu information related to the programming, and provides the programming package and the menu information to subscribers” as recited in claim 62. The Examiner indicated on page 3, section 4 of the Office Action that Banker teaches “generating and providing menu information (col. 13, II. 35-61; fig. 7-20), by means of menu screens, on-screen displays (OSDs), and messages.” However, as noted above, Banker’s system does not generate menu information related to the programming. Since neither Banker nor Young discloses or teaches all elements of claim 62, independent claim 62 is allowable.

Claims 63-67, 69-80, and 83-85 are allowable because they depend from allowable claim 62 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 62, 63-67, 69-80, and 83-85 under 35 U.S.C. §103 (a).

With respect to independent claim 108, neither Banker nor Young, individually or in combination, discloses or suggests “a receiver that receives programs and program control information related to the received programs; ... a processor ... the processor processing the program control information to generate a program menu ... a control coupled to the processor, the control providing program selection signals, wherein the program selection signals select a program for viewing on the display” as recited in claim 108. The Examiner indicated on page 3, section 4 of the Office Action that Banker teaches “generating and providing menu information (col. 13, II. 35-61; fig. 7-20), by means of menu screens, on-screen displays (OSDs), and messages.” However, Banker’s user-friendly interface does not receive program control information related to the received programs. Nor does Banker’s system process program control information to generate a program menu. Since neither Banker nor Young discloses or teaches all elements of claim 108, independent claim 108 is allowable.

Claims 109-115 are allowable because they depend from allowable claim 108 and for the

additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 108 and 109-115 under 35 U.S.C. §103 (a).

With respect to independent claim 119, neither Banker nor Young, individually or in combination, discloses or suggests “a receiver that receives the programs and program information related to the received programs; a display that displays a program menu based on the program information; and a control, operable to select a program for viewing, the program selected based on the displayed program information” as recited in claim 119. The Examiner indicated on page 3, section 4 of the Office Action that Banker teaches “generating and providing menu information (col. 13, II. 35-61; fig. 7-20), by means of menu screens, on-screen displays (OSDs), and messages.” However, as noted above, Banker’s user-friendly interface does not receive program information related to the received programs. Nor does Banker’s system display or generate a program menu based on program information. Since neither Banker nor Young discloses or teaches all elements of claim 119, independent claim 119 is allowable.

Claims 120, 122, and 124-126 are allowable because they depend from allowable claim 119 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 119, 120, 122, and 124-126 under 35 U.S.C. §103 (a).

With respect to independent claim 127, neither Banker nor Young, individually or in combination, discloses or suggests “receiving programs and program information related to the received programs; displaying a program menu based on the program information; and ordering a subscription to a program using a remote control” as recited in claim 127. As noted above, Banker’s user-friendly interface does not receive program information related to the received programs. Nor does Banker’s system display or generate a program menu based on program information. Since neither Banker nor Young discloses or teaches all elements of claim 127, independent claim 127 is allowable.

With respect to independent claim 38, neither Banker nor Young, individually or in combination, discloses or suggests “generating program menu data related to programming packaging; ... creating a menu from the menu data” as recited in amended claim 38. The Examiner indicated on page 3, section 4 of the Office Action that Banker teaches “generating and providing menu information (col. 13, II. 35-61; fig. 7-20), by means of menu screens, on-screen displays (OSDs), and messages.” However, as noted above, Banker’s system does not generate menu information related to the programming packaging. Since neither Banker nor

Young discloses or teaches all elements of amended claim 38, independent claim 38 is allowable.

Claims 43-45, 51-56, and 60-61 are allowable because they depend from allowable claim 38 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 38, 43-45, 51-56, and 60-61 under 35 U.S.C. §103 (a).

Claims 7-9, 34, 40-42, 58, 62, and 86-88 were rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 5,367,330 to Haave et al (hereinafter Haave). The Applicants respectfully traverse.

Haave is directed to a method and apparatus for controlling and delivering television programming from a control station to one or more substations.

With respect to independent claim 34, none of the cited references disclose or suggest “obtaining and storing the program line-up information for each program, ... generating menu data based on the program line-up information” as recited in claim 34. The Examiner indicated on page 3, section 4 of the Office Action that Banker teaches “generating and providing menu information (col. 13, II. 35-61; fig. 7-20), by means of menu screens, on-screen displays (OSDs), and messages.” However, Banker’s system does not generate menu data based on program line-up information. Therefore, independent claim 34 is allowable.

With respect to independent claim 62, none of the cited references disclose or suggest “a television delivery system that packages programming, wherein the programming package includes at least one program, generates menu information related to the programming, and provides the programming package and the menu information to subscribers” as recited in claim 62. The Examiner indicated on page 3, section 4 of the Office Action that Banker teaches “generating and providing menu information (col. 13, II. 35-61; fig. 7-20), by means of menu screens, on-screen displays (OSDs), and messages.” However, as noted above, Banker’s system does not generate menu information related to the programming. Therefore, independent claim 62 is allowable.

Claim 86 is allowable because it depends from allowable claim 62 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 86 under 35 U.S.C. §103 (a).

With respect to independent claim 87, none of the cited references disclose or suggest “a terminal that receives television programs and menu data related to the television programs; ... a control that scrolls through the menu data... selects a desired television program from the

television programs” as recited in claim 87. The Examiner indicated on page 3, section 4 of the Office Action that Banker teaches “generating and providing menu information (col. 13, II. 35-61; fig. 7-20), by means of menu screens, on-screen displays (OSDs), and messages.” However, Banker’s system does not receive menu data related to the television programs. Therefore, independent claim 87 is allowable.

Claims 88, 89-90, 93-100, and 102-107 are allowable because they depend from allowable claim 87 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 87, 88, 89-90, 93-100, and 102-107 under 35 U.S.C. §103 (a).

Claims 7-9 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 7-9 under 35 U.S.C. §103 (a).

Claims 40-42, and 58 are allowable because they depend from allowable claim 38 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 40-42, and 58 under 35 U.S.C. §103 (a).

Claims 2, 46-51, 57, and 65 were rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 5,001,554 to Johnson et al (hereinafter Johnson). The Applicants respectfully traverse.

Claim 2 is allowable because it depends from allowable claim 1 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 2 under 35 U.S.C. §103 (a).

Claims 46-51, and 57 are allowable because they depend from allowable claim 38 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 46-51, and 57 under 35 U.S.C. §103 (a).

Claim 65 is allowable because it depends from allowable claim 62 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 65 under 35 U.S.C. §103 (a).

Claims 21-22, 24-26, 81-82, 91-92, 117-118, and 123 were rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 6,025,737 to Matthews, III et al (hereinafter Matthews). The Applicants respectfully traverse.

Claims 21-22, and 24-26 are allowable because they depend from allowable claim 1 and

for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 21-22, and 24-26 under 35 U.S.C. §103 (a).

Claims 81-82 are allowable because they depend from allowable claim 62 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 81-82 under 35 U.S.C. §103 (a).

Claims 91-92 are allowable because they depend from allowable claim 87 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 91-92 under 35 U.S.C. §103 (a).

Claims 117-118 are allowable because they depend from allowable claim 108 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 117-118 under 35 U.S.C. §103 (a).

Claims 81-82 are allowable because they depend from allowable claim 62 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 81-82 under 35 U.S.C. §103 (a).

Claim 123 is allowable because it depends from allowable claim 119 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 123 under 35 U.S.C. §103 (a).

Claim 19 were rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 5,940,073 to Klosterman et al (hereinafter Klosterman). The Applicants respectfully traverse.

Claim 19 is allowable because it depends from allowable claim 1 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 19 under 35 U.S.C. §103 (a).

Claims 24-26 were rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 5,381,477 to Beyers, II et al (hereinafter Beyers). The Applicants respectfully traverse.

Claims 24-26 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 24-26 under 35 U.S.C. §103 (a).

In view of the above remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

The Commissioner is hereby authorized to charge or credit any deficiencies in connection with this response to deposit account No. 04-1425.

Respectfully Submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

38. (Amended) A method for selecting a program from a broadcast television system, comprising:

- generating program menu data related to programming packaging;
- providing the menu data to a terminal in the broadcast television system;
- creating a menu from the menu data, wherein the menu includes a window;
- scrolling the menu to a desired program; and
- selecting the desired program for display on a display coupled to the terminal, wherein the selected program is displayed in response to a single control function.